Erosion and Restoration of Jury Powers

The Terry Trussell Common Law Grand Jury Saga

On 10 June 2016, a petit jury of Dixie County, Florida convicted septuagenarian and U.S. Army veteran Terry Trussell of numerous counts of violating Florida Statute 843.0855 by impersonating and retaliating against public officers, and simulating legal process. He had issued presentments against government officials while acting as foreman of a "people's," or "common law," grand jury. Terry had issued the presentments in order to hold accountable the school board and other officials for shoving the federal *Common Core* education requirements down the throats of the County's citizenry in exchange for federal bribe money. The judge sentenced Terry to 8.75 years in prison, and bailiffs carted Terry off to jail in handcuffs.

Interestingly the Chief Judge had appointed Terry as foreman of the statutory grand jury, but threw him off the jury upon discovering that Terry simultaneously served as the common law grand jury's foreman. That prevented Terry from issuing legally valid presentments against his Common Core adversaries.

Regardless of the validity of Terry's concerns, common sense dictates that the government will NEVER allow people to establish their own grand juries. History has now shown that if people do try to act as a common law grand jury, such as by issuing presentments to cause the arrest of others, they could end up with long terms in prison for impersonating government officials.

Strangely, neither the Florida Constitution nor any state or federal law makes the statutory grand jury (see Florida Statutes chapter 905) part of government, albeit the chief judge, the clerk, the bailiffs, and the state attorney have intimate involvement with it. The grand jury, you see, is "the people," effectively and ideally a 4th branch of government originally intended to keep over-zealous prosecutors and renegade public officials in check and bound by the chains of the constitutions.

This case could become the poster-child for feckless grand and petit juries. Had the statutory grand jury functioned properly, Terry would have remained its foreman and obtained the presentments he sought against Common Core adversaries. Had the petit jury functioned properly it might have found that the law as construed by the prosecutor does not apply to a person exercising his First Amendment right to petition government for redress of grievance. Terry Trussell would haver have suffered arrest, prosecution, conviction, or jail, and numerous government officials might now sit in jail where they quite possibly belong for their high-handed abuse of power under federal bribery.

How and Why Government Eroded Jury Powers

In pondering the danger "people's" grand juries present to government, I decided to start researching the Florida Constitutions, and I discovered that ante-bellum juries had more powers than post-bellum juries. Petit juries determined law as well as fact, and grand juries investigated and presented or indicted on all felonies. Furthermore, crime victims could hire private attorneys to prosecute the accused. After the civil war that changed dramatically. Now two states don't even have grand juries, and in Florida the grand juries investigate only capital crimes. Now petit juries determine only facts, but not the law. And now government forbids private prosecutions.

As I contemplated the reasons for this, I realized that the governments of the states simply did not trust the electorate any more. I conjectured the reason that follows.

In the aftermath of the Civil war and the 13th Amendment guaranteeing freedom from involuntary servitude out of prisons, and the 14th Amendment guaranteeing everyone equal protection of the law without respect to race, the 15th Amendment prohibited racial barriers to suffrage. That meant that non-Caucasians could, for the first time, sit on juries. State and fderal government most likely feared that juries would no longer function as intended (a fear ultimately borne out as valid by the OJ Simpson acquittal). So they stripped juries of some powers. And so it remains.

The 19th and 26th Amendments gave voting rights to women and children, and that might have made the situation even worse. Why? Because Congress did not require any demonstration of responsibility as a qualification for suffrage.

Should Irresponsibles Have the Right to Vote and Sit on Juries?

This poses a monumental question regarding all rights. Should irresponsible people have the same rights as responsible people, particularly with respect to voting and sitting on juries?

Even modern, "liberated" parents know better than to hand over a loaded pistol or an automobile to a child, particularly a child who has had no training in the use of such dangerous implements. Most would concede that voting rights constitute an even more powerful and deadly instrument in the hands of the irresponsible.

Indeed, readers should remember that the American colonies permitted only free, white, propertied men to vote. Those restrictions pretty much guaranteed a responsible electorate. But in the interest of ill-concieved "fairness," "inclusiveness," and "political correctness," Congress and state legislatures began an inexorable slide from the heights of a republic into the mud of democracy by allowing ever more irresponsible people to vote.

Perhaps it seems unfair to refer to non-whites, women, and children over eighteen years of age as "irresponsibile." But, historically, the largest groups of non-whites (blacks and Hispanics) have a statistically-significant, lower IQ than whites, most early 20th century women stayed at

home and had poor educations and little interest in politics, and scientists have proven that the brain does not fully develop till age 25 and that teen drivers cause the preponderance of automobile accidents. All of those facts testify to relative irresponsibility, albeit women have advanced considerably in political responsibility in the past 96 years.

But rather than bicker over whether those groups lack responsibility, it seems more prudent and practical to devise tests for responsibility that eliminate gender and race concerns. Sorry, teen-agers, but the irresponsibility associated with your age and immaturity will always concern responsible adults.

A Politically Correct Test for Responsibility

As I see it, all who wish to vote should first pass these minimum qualification:

- Has US citizenship
- Has resided in the US or its territory for the past contiguous 5 years
- Has literacy in the American language (reads and writes English)
- Has passed a constitution competency test with 80% correct answers
- Has sworn or affirmed an oath to support the constitutions of the state of residence and the US
- Has gone through educational system and received high school or general equivalency diploma, or in the alternative, has an IQ of at least 90.
- Has actively served honorably for at least two years in the US Military or its state equivalent or militia.
- Has attained the age of 25 years
- Has attained financial self-sufficiency and has received no form of government "welfare" subsidy for the past contiguous 5 years (Social Security and Pensions excepted).
- Has not declared bankruptcy or become insolvent for the past 10 years.
- Has earned no judgment of mental incompetence or felony conviction, or has received a lawful restoration of civil rights by a State or US chief executive or a court of competent jurisdiction.

Benefits of Responsible Electors and Jurors

Under such conditions the electors could make honest and competent jurors. Properly empowered juries would prevent political and other wrongful incarcerations, and they could more effectively hold rogue government employees accountable by issuing presentments against them as Terry Trussell did. Furthermore, improved integrity in the electorate will result in improved competence in government because an intelligent and well-educated electorate will not, ideally, put charlatans and demagogues in power.

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